

Group I: Claims 26-45, drawn to a method for identifying organic non-peptide compounds without a monoclonal antibody.

Group II: Claims 46-55, drawn to a method for identifying organic non-peptide compounds with an antibody present.

The Examiner required election of one of the Groups for further examination stating that "the several inventions above are independent and distinct, each from the other, as they have acquired a separate status in the art as a separate subject matter for inventive effect and require independent searches." In response thereto, Applicants hereby make a provisional election of Group I, claims 26-45 drawn to a method for identifying organic non-peptide compounds without a monoclonal antibody for prosecution in this application, but traverse the requirement.

Applicants respectfully traverse the requirement for restriction and request reconsideration and withdrawal of the requirement. The reason providing the basis for the restriction is erroneous on its face. Claim 26 of the method claims reads as follows:

"26. A method for identifying organic non-peptide compounds useful in the treatment of cancer comprising the step of contacting a mammalian protein of the p53 family, whether mutant or wild-type, with an organic non-peptide compound and determining whether said compound is capable of binding to one or more domains of said protein under physiological conditions and restoring or stabilizing a functional conformation therein."

Applicants argue that claim 26 is a generic claim to a method for identifying organic non-peptide compounds. Thus, claim 26 is not limited to a method for identifying organic non-peptide compounds without a monoclonal antibody. The breadth of claim 26 is broad enough to encompass a method that requires an antibody. Therefore, the subject matter of claims 46-55 to a method for identifying organic non-peptide compounds using an antibody is not separate and distinct from Group I claims and the Examiner is requested to review and withdraw the restriction requirement.

Applicant's provisional election of Group I subject matter at present, however, does not prejudice applicants' ability to file divisional or continuation applications to unelected subject matter.

Applicants do not believe any additional fees are due in connection with the filing of this response to the August 15, 2003 Restriction Requirement. However, if any fee is due, the Examiner is authorized to charge the fee to applicants' Deposit Account No. 16-1445.

CONCLUSION

Applicants respectfully request prompt consideration of the pending claims and early allowance of the application.

If the Examiner wishes to comment or discuss any aspect of this application or response, applicants' undersigned attorney invites the Examiner to call her at the telephone number provided below.

Respectfully submitted,

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